IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1068 OF 2006

Bhagwan Sopan Sasane Applicant

versus

State of Maharashtra Respondent

Shri U.P.Warunjikar for applicant.

Miss S.U.Gajre, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th April 2006

PC :

1. Heard Shri Warunjikar appearing for applicant and Ms.Gajre - APP for State.

2. This application for bail is placed before me because earlier this applicant had preferred an application for bail being Criminal Application No.7348 of 2005 which is rejected by me on merits by my order dated 6th December 2005.

3. The present application is preferred highlighting two developments. Firstly, it is

pointed out that accused no.3 Tarabai was denied bail by this Court but later on her application being Criminal Application No.8165 of 2005 has been granted on 20th February 2006.

4. Co-accused Pravin who is the son of the applicant was also enlarged on bail by this Court despite his bail application being rejected earlier. The order in that behalf is dated 30th January 2006 in Criminal Application No.140 of 2006.

5. Shri Warunjikar submits that in the light of changed circumstances and the charge sheet having been filed, this is a fit case where this Court should enlarge the applicant on bail. Shri Warunjikar states that the applicant is ready and willing to abide by all such conditions as are imposed by this Court.

6. Shri Warunjikar points out the observations made in the earlier bail application to this effect that the son of the present applicant had made a statement so also the present applicant pointing out that they have assaulted the deceased, the body was put in a gunny bag and thrown in a canal. The statement made on 18th

March 2005 has been referred to and this Court observed that relying upon this statement so also the charge being grave and serious, this is not a case fit for enlargement on bail.

7. After the earlier order, the bail application of the co-accused Pravin was placed before Brother Kanade, J.. Shri Warunjikar points out that self-same allegations are made against him. Pravin's role in the crime is identical. Despite this, he has been enlarged on bail. The contents of both statements namely that of Pravin and that of the present applicant, are identical.

8. Learned APP does not dispute that the contents of both statements are identical and that similar role being attributed to Pravin andhe has been enlarged on bail. The said order is in force till date.

9. Normally, once an application is rejected on merits, unless it is pointed out that there are changed circumstances, second bail application should not be entertained. However, everything depends upon facts and circumstances of each case. It is not disputed that the observations made in two bail applications by this Court are

subsequent to my order dated 6th December 2005. Co-accused Pravin who is son of the applicant and whose role is identical, has been enlarged on bail. Thus, on grounds of parity applicant deserves similar relief. These are definitely changed circumstances. Apart from charge sheet being filed and the matter having not proceeded till date so also the applicant being in custody since March 2005, he deserves to be enlarged on bail but with stringent conditions. Accordingly following order.

10. ORDER :-

A) The applicant shall be enlarged on bail in connection with C.R.No.33 of 2005 registered at Dehu Road Police Station, Pune subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only) with one or two sureties in the like sum;

B) The applicant shall not enter the limits of Inzewadi Police Station.

C) The applicant not to reside within the jurisdiction of Inzewadi Police Station;

D) The applicant is directed to furnish details of residential address so also contact number to Dehu Road Police Station before he is released on bail;

E) The bail is granted subject to the conditions that the applicant will attend the concerned Police Station once in fortnight till the conclusion of the trial;

F) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

G) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

H) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

I) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)